

## REMARKS

This amendment is responsive to the Office Action mailed May 30, 2006. In the Office Action, the United States Patent and Trademark Office (hereinafter "the Office") rejected Claims 1, 2, 4-6, 8, 14-17, 22, 23, and 26, under 35 U.S.C. § 103(a) as being unpatentable over Hite et al. (US 5,774,170) in view of Coleman (US 2002/0026351). Claims 9, 11-13, 24, 25, and 29-31 were rejected as being unpatentable over Hite in view of Coleman and Hinderks (US 2001/00025377). Claim 3 was rejected as being unpatentable over Hite and Coleman in view of Alexander et al. (US 6,177,931). Claim 10 was rejected as being unpatentable over Hite, Coleman and Hinderks in view of Bendinelli et al. (US 6,061,719). Claims 7, 18, 19, 21, 27, 28, and 32-34 were rejected as being unpatentable over Hite and Coleman in view of Darby et al. (US 2003/0126597) and Stahura (US 2003/0009592). Lastly, Claim 8 was rejected as being unpatentable over Hite, Coleman, Darby, Stahura, in view of Hinderks.

Applicant requests reconsideration and allowance of the application. Claims 1, 15, 19, 22, 27, 29, 32, and 33 have been amended. Claims 7, 10 and 18 have been canceled without prejudice. Claims 1-6, 8-9, 11-17, and 19-34 are thus pending in the present application.

### Claims 1-6, 8-9, and 11-14 Are Patentable Over the Prior Art

Applicant submits that the cited and applied references do not teach all of the elements recited in Claims 1-6, 8-9, and 11-14. For example, with respect to Claim 1, applicant submits that none of the references, alone or combined, teaches "replacing operative link information associated with the first advertisement with link information associated with the second advertisement by presenting the link information associated with the first advertisement to the subscriber and redirecting the subscriber according to the link information associated with the second advertisement." Operative link information, as discussed herein and claimed, refers to a link or address that resolves to a registered domain.

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

The substance of the aforementioned element was previously presented in Claim 7. In rejecting Claim 7, the Office combined the disclosures of Hite, Coleman, Darby and Stahura. The Office acknowledged that Hite and Coleman failed to disclose this element.

The Office cited Darby for disclosing advertisements that are transmitted with link information which a user may select to retrieve information on an advertised product. Notably, however, the Office recognized the deficiency of Darby and did not cite Darby for disclosing a process of presenting the link information associated with the first advertisement to the subscriber and redirecting the subscriber according to the link information associated with the second advertisement.

The Office cited Stahura as disclosing a communications system in which a user will enter link information for a particular web page and the system will redirect the user to an advertisement for a competitor if the original link is found to be unregistered. However, this disclosure does not overcome the deficiency in Hite, Coleman, and Darby, noted above.

When a user enters a link to an unregistered domain, the mapping system taught by Stahura may return an IP address that refers to an advertisement server which provides an advertisement for a competitor. *This occurs only if the user-entered link is unregistered.* As long as the user-entered link resolves to a registered domain, the user is provided the IP address of the registered domain.

The concept of redirecting a user who enters inoperative link information does not teach or suggest a feature of replacing operative link information associated with the first advertisement with link information associated with the second advertisement where the link information associated with the first advertisement is presented to the subscriber and the subscriber is redirected according to the link information associated with the second

advertisement. Furthermore, this concept does not provide any motivation to one of ordinary skill in the art to modify Hite and Darby, as suggested in the Office Action.

There is no suggestion in Darby (or Hite or Coleman for that matter) that link information transmitted with an advertisement is going to lead to an unregistered domain or otherwise be inoperative. To the contrary, Darby provides advertisements that include useful link information that users can follow to obtain additional information. Combining the disclosure of Stahura with Darby may yield a system that delivers a competitor's web page if the link information supplied with an advertisement leads to an unregistered domain. But this combination does not result in a system in which operative link information associated with a first advertisement is replaced with link information associated with a second advertisement by presenting the link information associated with the first advertisement to the subscriber and redirecting the subscriber according to the link information associated with the second advertisement, as claimed.

In view of the deficient disclosure of the prior art, applicant submits that Claim 1 is neither anticipated nor rendered obvious by the prior art and should be allowed.

Applicant further contends that the claims dependent on Claim 1 are patentable, both for their dependence on an allowable base claim and for the additional subject matter they recite. Allowance of Claims 1-6, 8-9, and 11-14 is requested.

#### Claims 15-17 Are Patentable Over the Prior Art

Claim 15 is directed to an article of manufacture comprising a machine-readable medium having instructions stored thereon. In one aspect, the instructions, when executed, cause a machine to "swap the first advertisement with the second advertisement if a subscriber has specifically requested to receive substitute advertisement services and if there is a match in the correlated information." In another aspect, the instructions cause the machine to "replace operative link information associated with the first advertisement with link information

associated with the second advertisement by presenting the link information associated with the first advertisement to the subscriber and redirecting the subscriber according to the link information associated with the second advertisement."

The cited and applied art, alone or in combination, fails to disclose or suggest all of the elements of Claim 15. For at least the reasons discussed above with respect to Claim 1, Claim 15 is also allowable over the prior art.

Applicant further contends that the claims dependent on Claim 15 are patentable, both for their dependence on an allowable base claim and for the additional subject matter they recite. Reconsideration and allowance of Claims 15-17 is requested.

#### Claims 19-21 Are Patentable Over the Prior Art

Claim 19, which has not been amended herein, is allowable for reciting elements that are not taught or suggested in the prior art, whether considered singly or in combination. Claim 19 recites, in part, an "aggregator further capable of sending at least some of the aggregated information to cause a swap of the substitute advertisement in place of an original advertisement that is provided to the broadcast center if a subscriber has opted-in by specific request to receive substitute advertisement services." Claim 19 further recites "wherein the swap with the substitute advertisement via use of the aggregated information includes redirection of a subscriber who clicks on an operative link that was present in the original advertisement using a link related to the substitute advertisement."

In rejecting Claim 19, the Office cited a combination of Hite, Darby, Coleman, and Stahura, but as noted above with respect to Claims 1 and 15, this combination of art is deficient and does not support a *prima facie* case of obviousness.

There is no suggestion in Darby that link information transmitted with an advertisement is going to lead to an unregistered domain or otherwise be inoperative to a user. To the contrary,

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

the system disclosed by Darby provides advertisements that include useful link information that users can follow to obtain additional information.

Combining the disclosure of Stahura with Darby may result in a system in which a competitor's web page is delivered to a user if the link information supplied with an advertisement leads to an unregistered domain. However, this combination does not result in an apparatus comprising an aggregator "capable of sending...aggregated information to cause a swap of [a] substitute advertisement in place of an original advertisement..., wherein the swap with the substitute advertisement via use of the aggregated information includes redirection of a subscriber who clicks on an operative link that was present in the original advertisement using a link related to the substitute advertisement," as claimed. Further combinations of Stahura and Darby with Hite and Coleman do not overcome this deficiency.

Claim 19 is neither anticipated nor rendered obvious by the prior art and should be allowed. Additionally, claims dependent on Claim 19 are patentable, both for their dependence on an allowable base claim and for the additional subject matter they recite. Reconsideration and allowance of Claims 19-21 is requested.

Claims 22-26 Are Patentable Over the Prior Art

Claim 22 is also allowable for reciting elements that are not taught or suggested in the prior art, whether considered singly or in combination. Claim 22 recites an interactive television system that includes "a broadcast center to send a television signal to a client terminal via a first channel of a communication network coupled to the broadcast center, wherein prior to being sent to the client terminal, the television signal includes information related to a first advertisement present in the television signal." The interactive television system further includes "an aggregator ... further capable of sending at least some of the aggregated information to cause a swap of the second advertisement in place of first advertisement ... wherein the swap of the

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

second advertisement includes redirection of a subscriber who clicks on an operative link that was present in the first advertisement using a link related to the second advertisement."

Similar to Claim 19 above, none of the applied and cited references teaches swapping of a second advertisement in place of a first advertisement "wherein the swap of the second advertisement includes redirection of a subscriber who clicks on an operative link that was present in the first advertisement using a link related to the second advertisement," as claimed in Claim 22. Applicant requests withdrawal of the rejection of Claim 22.

Applicant further contends that Claims 23-26, which depend from Claim 22, are patentable for their dependence on an allowable base claim and for the additional subject matter recited therein. Allowance of Claims 22-26 is requested.

Claims 27-28 Are Patentable Over the Prior Art

Claim 27 is directed to a method that includes swapping a first advertisement with a second advertisement. Specifically, the method recites (in part) "if there is a match in the correlated information, swapping the first advertisement with the second advertisement, including presenting operative link information associated with the first advertisement to the subscriber and upon subscriber activation of the link information, redirecting the subscriber according to link information associated with the second advertisement." Hite, Coleman, Darby and Stahura do not, individually or collectively, teach a feature of presenting first ad link information that is operative, and upon subscriber activation of the link information, redirecting the subscriber according to second ad link information, as claimed. The subject matter recited in Claim 27 is patentable over the prior art. Claim 28, which depends from Claim 27, is also in patentable condition. Reconsideration and allowance of Claims 27-28 is requested.

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

#### Claims 29-31 Are Patentable Over the Prior Art

Claim 29 is directed to an interactive television system comprising, in part, an "aggregator further capable of sending at least some of the aggregated information to cause a swap of the second advertisement in place of first advertisement, wherein the swap of the second advertisement includes a presentation of operative link information associated with the first advertisement to the subscriber and upon subscriber activation of the link information, redirection of the subscriber according to link information associated with the second advertisement."

In the Office Action, the Office combined the disclosures of Hite and Coleman, which combination is defective as discussed above, with the disclosure of Hinderks. Hinderks also fails to disclose the feature wherein the swap of the second advertisement includes a presentation of operative link information associated with the first advertisement to the subscriber and upon subscriber activation of the link information, redirection of the subscriber according to link information associated with the second advertisement. As with Claim 27 above, Claim 29 should be allowed.

Applicant further submits that the claims dependent on Claim 29 are patentable for their dependence on Claim 29, and for the additional subject matter recited therein. Reconsideration and allowance of Claims 29-31 is requested.

#### Claim 32-34 Are Patentable Over the Prior Art

Lastly, Claim 32 recites a method that includes, in part, "swapping the first advertisement with the second advertisement if the correlated information determines that a swap is appropriate, including presenting link information associated with the first advertisement to the subscriber, wherein the link information resolves to a registered domain, and redirecting the subscriber according to the link information associated with the second advertisement, wherein

the second advertisement is swapped for the first advertisement during a time period substantially corresponding to the beginning and ending locations of the first advertisement."

The cited and applied references do not teach or suggest all of the foregoing elements recited in Claim 32. Accordingly, Claim 32 should be allowed.

Applicant further contends that Claims 33 and 34 are patentable, both for their dependence on Claim 32 and for the additional subject matter they recite. For example, Claim 33 is directed to the method of Claim 32, "wherein the link information associated with the first advertisement includes an address and upon subscriber selection of the address, redirecting the subscriber according to the link information associated with the second advertisement". The Office's reliance on Stahura in combination with Hite, Darby and Coleman is unavailing in this regard.

Claim 34 is directed to the method of Claim 32. wherein replacing the link information includes "redirecting the subscriber to an address associated with the second advertisement." The Office cited Stahura as disclosing redirection to an address associated with the second advertisement, where a critical feature of Stahura is that redirection only occurs when the user-entered link information does not resolve to a registered domain.

Reconsideration and allowance of Claims 32-34 is requested.

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100



CONCLUSION

In view of the foregoing amendments and remarks, applicant submits that a *prima facie* case of obviousness cannot be shown. Accordingly, the claim rejections should be withdrawn. Reconsideration and allowance of Claims 1-6, 8-9, 11-17, and 19-34 is respectfully requested.

Should any issues remain prior to allowance of the application, the Examiner is invited to contact the undersigned counsel at the telephone number indicated below.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>



Kevan L. Morgan  
Registration No. 42,015  
Direct Dial No. 206.695.1712

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: August 30, 2006



LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100